

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

JOSEPH CARUSO,

Petitioner,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:09-CV-00151-RCJ-VPC**

JACK PALMER,

Respondent.

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that Respondents' Motion to Dismiss (#22) is **GRANTED**. This action is **DISMISSED** without prejudice for Petitioner's failure to exhaust his state-court remedies.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

February 23, 2010

**LANCE S. WILSON**

Clerk

/s/ D. R. Morgan

Deputy Clerk